

DAZ #8



Docket No. F-8417

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shengyang HUANG, et al.
Serial No. : 10/511,236
Filed :
For : CONVERSATION CONTROL SYSTEM AND
CONVERSATION CONTROL METHOD
Group Art Unit :
Examiner :
Confirmation No. :
Customer No. : 000028107

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Legal Staff
International Division

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on September 12, 2006

Ricardo Unikel
(Name)

Ricardo Unikel
(Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Applicants submit this Renewed Petition Under 37 C.F.R. § 1.47(a) in the above-identified application in response to the Decision on Petition dated March 17, 2006 ("Decision on Petition"). Applicants respectfully petition that the

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Commissioner accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because one of said co-inventors cannot be reached.

Dong Li is a joint inventor of U.S. Patent Application No. 10/511,236 along with Shengyang Huang, Hiroshi Katukura, and Tao Wu.

The present U.S. National Stage application was filed on October 12, 2004 without a Declaration and Power of Attorney from the joint co-inventor applicants, and has been accorded Application Serial No. 10/511,236.

The Combined Declaration and Power of Attorney was executed by Shengyang Huang, Hiroshi Katukura, and Tao Wu and has been submitted to the United States Patent and Trademark Office (USPTO). The Combined Declaration and Power of Attorney was not executed by Mr. Dong Li.

A petition under 37 C.F.R. § 1.47(a) must be accompanied by the following: (1) the fee set forth in 37 C.F.R. § 1.17(g); (2) factual proof that the missing joint inventor refuses to join the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration executed by each 37 C.F.R. § 1.47(a) Applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The Decision on Petition expressly states that requirements (1), (3), and (4) have been satisfied.

The Decision on Petition states that requirement (2) has not been satisfied. The Decision on Petition acknowledges the corroboration that the application documents (including specification, claims, and drawings) were sent to Dong Li and were undeliverable because Mr. Li has moved from his last known address and did not leave a forwarding address. The Decision on Petition states that sending a parcel to Mr. Li's last known address is insufficient to conclude that Mr. Li could not be found or reached after diligent effort. The Decision on Petition states "[f]or instance, did petitioner perform internet searches or telephone directory searches, or perform any other inquiries, to attempt to locate Mr. Li's current address?"

Petitioner has performed internet searches, telephone directory searches, and other inquiries, as delineated below.

Internet Searches: Mr. Yasutaka Nire has conducted Google internet searches for Mr. Dong Li and was unable to find him, as described in the attached Declaration of Yasutaka Nire in Support of Renewed Petition Under 37 C.F.R. § 1.47(a).

Telephone Directory Searches: Mr. Yasutaka Nire has conducted a local telephone directory search for Mr. Dong Li and was unable to find him, as described in the attached Declaration of Yasutaka Nire in Support of Renewed Petition Under 37 C.F.R. § 1.47(a).

Other Inquiries: Mr. Nobuo Yaegashi has made oral inquiries to determine the whereabouts of Mr. Dong Li. More specifically, Mr. Nobuo Yaegashi asked several employees of P to PA, Inc., including Mr. Dong Li's co-inventors in the above-identified application, whether they knew Mr. Dong Li's whereabouts but was not successful in obtaining Mr. Dong Li's whereabouts. Such efforts are described in the attached Declaration of Nobuo Yaegashi in Support of Renewed Petition Under 37 C.F.R. § 1.47(a).

As requested by the USPTO, diligent efforts have been made to attempt to determine Mr. Dong Li's whereabouts. The failure to locate Mr. Dong Li demonstrates that Mr. Dong Li could not be found or reached after diligent effort. Thus, the remaining requirement of 37 C.F.R. § 1.47(a) has been met and Applicants therefore respectfully petition that the Commissioner accept an application for patent for which a Declaration signed by all named co-inventors is unavailable because one of said co-inventors cannot be reached.

Applicants respectfully request a four month extension of time for responding to the Office Action. **The fee of \$1590.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

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Reg. No. 22,389
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By and,

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enc: Declaration of Yasutaka Nire in Support of Renewed Petition Under 37
C.F.R. § 1.47(a).
Declaration of Nobuo Yaegashi in Support of Renewed Petition Under 37
C.F.R. § 1.47(a).
Form PTO-2038

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Serial No. : 10/511,236
For : CONVERSATION CONTROL SYSTEM AND
CONVERSATION CONTROL METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF YASUTAKA NIRE IN SUPPORT OF RENEWED
PETITION UNDER 37 C.F.R. § 1.47(a)**

Yasutaka Nire hereby declares as follows:

1. I am an employee of Miyoshi & Miyoshi, a Japanese patent attorneys' office involved in the prosecution of the above-identified application in the United States through Jordan and Hamburg LLP, a U.S. law firm.
2. Dong Li is a joint inventor of U.S. Patent Application No. 10/511,236 along with Shengyang Huang, Hiroshi Katukura, and Tao Wu.
3. On June 9, 2006, I performed internet searches in an attempt to locate Mr. Dong Li's whereabouts. The key words for the searches included "Li" (Mr. Dong Li's last name), "Dong" (Mr. Dong Li's first name), "China" (Mr. Dong Li's country of nationality), and "PtoPA" (Mr. Dong Li's former employer). The searches included both English and Chinese characters, as described in Appendix I.
4. Appendix I shows 21 searches and the number of hits for each search. Searches 8, 20, and 21 provided 7, 3, and 1 hits,

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respectively. The hits for searches 8, 20, and 21 were individually examined but did not provide the whereabouts of Mr. Dong Li. The remaining searches provided either no hits or provided between about 28,200 hits and about 9,900,000 hits. The hits for searches providing about 28,200 to about 9,900,000 hits were not individually examined because it would be unduly burdensome and impractical to examine that many individual hits.

5. On August 24, 2006, I conducted a local telephone directory search to find the whereabouts or contact information for Mr. Dong Li. The directory search was undertaken for Matsudo-shi, Chiba, Japan, which is the city of Mr. Dong Li's last known address. I was unable to determine Mr. Dong Li's whereabouts by conducting the local telephone directory search.
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature: _____

Yasutaka Nire

Date: September 11, 2006

Enc. Appendix I



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P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF NOBUO YAEGASHI IN SUPPORT OF RENEWED
PETITION UNDER 37 C.F.R. § 1.47(a)**

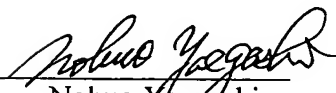
Nobuo Yaegashi hereby declares as follows:

1. I am a Director of P to PA, Inc., Mr. Dong Li's former employer.
2. Dong Li is a joint inventor of U.S. Patent Application No. 10/511,236 along with Shengyang Huang, Hiroshi Katukura, and Tao Wu.
3. On August 23, 2006, I effected an oral inquiry in P to PA, Inc. to determine the whereabouts of Mr. Dong Li. I asked Mr. Shengyang Huang, Mr. Hiroshi Katukura, and Mr. Tao Wu, who are Mr. Dong Li's joint inventors in the above-identified application, as to the whereabouts of Mr. Dong Li. I also asked Mr. Shin Nomura, who is a director of P to PA, Inc. regarding the whereabouts of Mr. Dong Li. My inquiries did not result in the determination of the whereabouts of Mr. Dong Li.
4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the

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like so made are punishable by fine or imprisonment, or both,
under 18 U.S.C. § 1001 and that such willful false statements may
jeopardize the validity of the application or any patent issued
thereon.

Signature: 
Nobuo Yaegashi

Date: September 7, 2006

APPENDIX I

Google's Search Results

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No.	Key Words	Results
1	Dong Li	about 9,900,000
2	"Dong" "Li"	about 9,900,000
3	Dong Li China	about 2,780,000
4	"Dong" "Li" "China"	about 3,690,000
5	"Dong Li"	about 116,000
6	"Dong Li" "China"	about 49,500
7	"Dong Li" China	about 49,500
8	Dong Li PtoPA	7
9	"Dong Li" PtoPA	0
10	"Li Dong"	about 83,200
11	"Li Dong" China	about 35,300
12	"Li Dong" PtoPA	0
13	李 東	about 4,360,000
14	李東	about 1,180,000
15	"李 東"	about 1,180,000
16	李 東 中国	about 1,440,000
17	李東 中国	about 28,200
18	李 東 China	about 1,800,000
19	李東 China	about 47,000
20	李 東 ピートウピーエー	3
21	李 東 PtoPA	1

Note: Japanese Character 李 = Li

Japanese Character 東 = Dong

Japanese Character 中国 = China

Japanese Character ピートウピーエー = PtoPA